

**THIRTY-SIXTH LEGISLATIVE DAY  
MONDAY, FEBRUARY 10, 2003**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 69 members present.  
Absent and excused -- Black. Total -- 1.  
Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Emilie Moncur, Page.

**Approval of Journal**

February 10, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-third Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the  
Governor and the Senate**

February 7, 2003

Mr. Speaker:

I transmit herewith enrolled **S 1001** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1001** and, when so signed, ordered it returned to the Senate.

February 7, 2003

Mr. Speaker:

I return herewith enrolled **H 53** and **H 54** which have been signed by the President.

WOOD, Secretary

Enrolled **H 53** and **H 54** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 7, 2003

Mr. Speaker:

I transmit herewith **S 1035** which has passed the Senate.

WOOD, Secretary

**S 1035** was filed for first reading.

February 7, 2003

Mr. Speaker:

I return herewith **H 90** and **H 86** which have passed the Senate.

WOOD, Secretary

**H 90** and **H 86** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

**Report of Standing Committees**

February 10, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HCR 15**, **HCR 16**, **HCR 17**, **H 191**, **H 192**, **H 193**, **H 194**, **H 195**, **H 196**, **H 197**, **H 198**, **H 199**, **H 200**, **H 201**, **H 202**, **H 203**, **H 204**, **H 205**, **H 206** and **H 207** and House amendments to **H 89**, **H 111**, **H 110**, and **H 9**.

FIELD(18), Chairman

**HCR 15**, **HCR 16**, **H 197**, and **H 198** were referred to the Environmental Affairs Committee.

**HCR 17**, **H 199**, **H 200**, **H 201**, **H 202**, and **H 203** were referred to the Health and Welfare Committee.

**H 191**, **H 192**, **H 193**, **H 194**, and **H 207** were referred to the Revenue and Taxation Committee.

**H 195** was referred to the Local Government Committee.

**H 196** was referred to the Ways and Means Committee.

**H 205** was referred to the Transportation and Defense Committee.

**H 206** was referred to the Business Committee.

**H 204** was filed for second reading.

February 10, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed **H 89**, as amended, **H 111**, as amended, **H 110**, as amended, and **H 9**, as amended.

FIELD(18), Chairman

**H 89**, as amended, **H 111**, as amended, **H 110**, as amended, and **H 9**, as amended, were filed for first reading of engrossed bills.

February 10, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 87**, **H 68**, and **H 69** to the Governor at 1:20 p.m., as of this date, February 7, 2003.

FIELD(18), Chairman

There being no objection, the House advanced to the Seventh Order of Business.

### **Motions, Memorials, and Resolutions**

#### **HOUSE CONCURRENT RESOLUTION NO. 18 BY RESOURCES AND CONSERVATION COMMITTEE A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE DEPARTMENT OF PARKS AND RECREATION RELATING TO THE ADMINISTRATION OF PARK AND RECREATION AREAS AND FACILITIES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Parks and Recreation relating to the administration of park and recreation areas and facilities are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 26.01.20, Section 010, subsection 04, a rule of the Department of Parks and Recreation relating to the definition of a camping unit, and IDAPA 26.01.20, Section 200, subsection 01, a rule of the Department of Parks and Recreation relating to camping occupancy, adopted as pending rules under Docket Number 26-0120-0202, be, and the same are hereby rejected and declared null, void and of no force and effect.

#### **HOUSE CONCURRENT RESOLUTION NO. 19 BY RESOURCES AND CONSERVATION COMMITTEE A CONCURRENT RESOLUTION**

STATING LEGISLATIVE FINDINGS AND APPROVING CERTAIN ADMINISTRATIVE RULES OF THE DEPARTMENT OF PARKS AND RECREATION THAT IMPOSE A FEE OR CHARGE, CONCERNING CAMPSITE AND RESERVATION FEES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature, pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, certain pending rules of the Department of Parks and Recreation concerning campsite and reservation fees inadvertently were submitted as nonfee rules, making it necessary to consider the pending rule separately as a pending fee rule for approval by both houses of the Legislature by concurrent resolution before the pending fee rule can go into effect by law; and

WHEREAS, the Legislature finds that it is in the public

interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that certain administrative rules of the Department of Parks and Recreation that impose a fee or charge concerning campsite and reservation fees, IDAPA 26.01.20, Section 250, subsection 01, relating to campsite fees, and IDAPA 26.01.20, Section 250, subsection 02, relating to reservation fees, adopted as pending rules under Docket Number 26-0120-0202, pursuant to the Administrative Procedure Act during the prior calendar year, and submitted through the Office of Rules Coordinator to the Legislature for review during the 2003 Legislative Session, be, and the same are approved.

#### **HOUSE CONCURRENT RESOLUTION NO. 20 BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE**

A CONCURRENT RESOLUTION  
STATING LEGISLATIVE FINDINGS AND  
AUTHORIZING THE LEGISLATIVE COUNCIL TO  
APPOINT A COMMITTEE TO UNDERTAKE AND  
COMPLETE A STUDY OF ALL RELEVANT ISSUES  
RELATING TO THE METHODS OF SELECTION,  
RETENTION AND ELECTION OF JUDGES, INCLUDING  
THE FINANCING OF JUDICIAL ELECTIONS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the independence and integrity of the judiciary is essential to public confidence in our judicial system, the protection of our rights as citizens, and to the effective conduct of our government; and

WHEREAS, in June 2002, the Idaho Legislative Council named a legislative task force to study campaign financing for judicial elections, and to make recommendations to the Council based on the study on or before December 1, 2002; and

WHEREAS, certain ex officio members were invited by the task force to take part in the study as well as a resource panel of judges; and

WHEREAS, the task force conducted meetings during which time it gathered extensive information through presentations and public testimony. The task force reviewed current Idaho law relating to contribution and expenditure requirements for judicial candidates, the various types of campaign expenditures that are subject to governmental regulation and those that are not, constitutional restrictions relating to regulation of campaign contributions and expenditures, United States Supreme Court decisions relating to campaign financing, recent developments in federal law relating to campaign financing, and legislative reform efforts relating to judicial campaign financing in other states; and

WHEREAS, there are a number of cases now pending before the United States Supreme Court in which the Court is expected to revisit constitutionally permissible regulation of campaign contributions and expenditures that will likely have a direct impact on regulation alternatives at the federal and state level; and

WHEREAS, the American Bar Association has conducted a major study of campaign financing for judicial elections and its

final report is expected to be issued in 2003. The Idaho State Bar has adopted two resolutions regarding the oversight of the conduct of judicial elections and the review of American Bar Association recommendations on financing judicial elections. The Idaho State Bar is working to establish a committee to review issues relating to judicial independence and integrity; and

WHEREAS, due to the complexity of the issues involved, and the expectation that additional guidelines and information will become available during the year 2003, additional study is needed to determine informed specific recommendations for the state of Idaho in regard to campaign financing for judicial elections.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint an interim committee to undertake and complete a study of all relevant issues relating to the methods of selecting, retaining, and electing judges, including the financing of judicial elections. The Legislative Council shall appoint up to ten legislators, five from the Senate and five from the House of Representatives.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the cochairs of the committee who are appointed by the Legislative Council. Nonlegislative members of the committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the Second Regular Session of the Fifty-seventh Idaho Legislature.

**HCR 18, HCR 19, and HCR 20** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

#### **Introduction, First Reading, and Reference of Bills and Joint Resolutions**

##### **HOUSE BILL NO. 208**

#### **BY RESOURCES AND CONSERVATION COMMITTEE AN ACT**

RELATING TO GROUND WATER DISTRICTS; AMENDING SECTION 42-5224, IDAHO CODE, TO REVISE THE POWERS AND DUTIES OF GROUND WATER DISTRICT BOARDS OF DIRECTORS; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

##### **HOUSE BILL NO. 209**

#### **BY RESOURCES AND CONSERVATION COMMITTEE AN ACT**

RELATING TO FISH AND GAME; REPEALING SECTION 36-114, IDAHO CODE; AMENDING CHAPTER 1, TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-114, IDAHO CODE, TO PROVIDE FOR BIG GAME DEPREDATION FUNDS; REPEALING SECTIONS 36-115 AND 36-1108, IDAHO CODE;

AMENDING CHAPTER 11, TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-1108, IDAHO CODE, TO PROVIDE FOR CONTROL OF DAMAGE BY ANTELOPE, ELK, DEER, MOOSE, BLACK BEAR, MOUNTAIN LION OR BY GRAZING WILDLIFE, TO PROVIDE A PROCEDURE FOR CLAIMS FOR DAMAGE AND TO PROVIDE FOR COMPENSATION FOR DAMAGE; REPEALING SECTIONS 36-1109 AND 36-1110, IDAHO CODE; AND AMENDING SECTION 36-122, IDAHO CODE, TO DELETE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS.

##### **HOUSE BILL NO. 210**

#### **BY RESOURCES AND CONSERVATION COMMITTEE AN ACT**

RELATING TO WATERWAYS IMPROVEMENT; AMENDING SECTION 57-1502, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE USE OF MONEYS IN THE WATERWAYS IMPROVEMENT FUND AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 57-1503, IDAHO CODE, TO REVISE CERTAIN DUTIES OF THE WATERWAYS IMPROVEMENT FUND ADVISORY COMMITTEE AND TO PROVIDE CRITERIA FOR THE RATING OF APPLICATIONS FOR GRANTS TO BE AWARDED FROM THE STATE WATERWAYS IMPROVEMENT FUND; AND AMENDING SECTION 63-2412, IDAHO CODE, TO REVISE THE PERCENTAGE OF MONEYS DISTRIBUTED TO THE WATERWAYS IMPROVEMENT FUND FROM CERTAIN TAX REVENUE ON GASOLINE AND AIRCRAFT ENGINE FUEL THAT MAY BE USED BY THE DEPARTMENT OF PARKS AND RECREATION FOR ADMINISTRATIVE COSTS AND TO MAKE TECHNICAL CORRECTIONS.

##### **HOUSE BILL NO. 211**

#### **BY RESOURCES AND CONSERVATION COMMITTEE AN ACT**

RELATING TO HEARINGS BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES; AMENDING SECTION 42-1701A, IDAHO CODE, TO REVISE THE PROCEDURES FOR HEARINGS REQUIRED BY LAW TO BE HELD BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES.

##### **HOUSE BILL NO. 212**

#### **BY RESOURCES AND CONSERVATION COMMITTEE AN ACT**

RELATING TO THE INVASIVE SPECIES ACT; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 88, TITLE 67, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS RELATING TO INVASIVE SPECIES, TO PROVIDE A DECLARATION OF PURPOSE AND TO DEFINE A TERM, TO PROVIDE FOR THE IDAHO INVASIVE SPECIES COUNCIL AND AN EXECUTIVE COMMITTEE, TO PROVIDE POWERS AND DUTIES OF THE IDAHO INVASIVE SPECIES COUNCIL, TO PROVIDE FOR A STRATEGIC PLAN, TO PROVIDE FOR DEPARTMENT AND AGENCY DUTIES, TO PROVIDE FOR THE INVASIVE SPECIES COUNCIL FUND AND TO

PROVIDE A SHORT TITLE; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 213**  
**BY HEALTH AND WELFARE COMMITTEE**  
AN ACT

RELATING TO STERILIZATION; REPEALING CHAPTER 39, TITLE 39, IDAHO CODE; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 39, TITLE 39, IDAHO CODE, TO PROVIDE A STATEMENT OF LEGISLATIVE INTENT CONCERNING STERILIZATION, TO DEFINE TERMS, TO PROVIDE FOR STERILIZATION OF PERSONS SUBJECT TO THIS CHAPTER, TO PROVIDE FOR INITIATION OF PROCEEDINGS, TO REQUIRE APPOINTMENT OF COUNSEL, TO PROVIDE FOR NOTICE, TO REQUIRE CONSIDERATION BY THE EVALUATION COMMITTEE, TO REQUIRE A HEARING, TO PROVIDE CRITERIA TO BE CONSIDERED BY THE COURT, TO LIMIT THE PROCEDURES WHICH MAY BE AUTHORIZED, TO PROVIDE FOR APPEALS, TO PROVIDE MEMBERSHIP AND DUTIES OF THE EVALUATION COMMITTEE, TO PROVIDE FOR CONFIDENTIALITY OF AND ACCESS TO RECORDS, TO PROVIDE CIVIL AND CRIMINAL IMMUNITY UNDER CONDITIONS SPECIFIED AND TO GOVERN CONDITIONS WHEN A HOSPITAL OR HOSPITAL EMPLOYEE MAY REFUSE TO PARTICIPATE IN STERILIZATION; AND AMENDING SECTION 9-340C, IDAHO CODE, TO PROVIDE EXEMPTION FROM DISCLOSURE OF RECORDS FOR COURT PROCEEDINGS REGARDING JUDICIAL AUTHORIZATION OF STERILIZATION PROCEDURES AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 214**  
**BY JUDICIARY, RULES, AND ADMINISTRATION**  
**COMMITTEE**  
AN ACT

RELATING TO SEPARATE AND COMMUNITY PROPERTY; AMENDING SECTION 15-1-201, IDAHO CODE, TO REVISE DEFINITIONS OF "SEPARATE PROPERTY" AND "COMMUNITY PROPERTY" AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 32-906, IDAHO CODE, TO CLARIFY THAT INCOME INCLUDES THE RENTS, ISSUES AND PROFITS FROM VARIOUS PROPERTY.

**HOUSE BILL NO. 215**  
**BY JUDICIARY, RULES, AND ADMINISTRATION**  
**COMMITTEE**  
AN ACT

RELATING TO DISCLOSURE OF CONTROLLED SUBSTANCE ABUSE; AMENDING THE HEADING FOR CHAPTER 45, TITLE 54, IDAHO CODE, AS ADDED BY SECTION 1, CHAPTER 33, LAWS OF 1998; AND AMENDING CHAPTER 46, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-4605, IDAHO CODE, TO PROVIDE FOR THE DISCLOSURE TO PROSPECTIVE EMPLOYERS OF INFORMATION

RELATING TO THE CONTROLLED SUBSTANCE ABUSE OF LICENSED PROVIDERS OR PERSONS WHO WILL BE EXPECTED TO HANDLE OR DISPENSE CONTROLLED SUBSTANCES IN THE PROSPECTIVE EMPLOYMENT.

**HOUSE BILL NO. 216**  
**BY JUDICIARY, RULES, AND ADMINISTRATION**  
**COMMITTEE**  
AN ACT

RELATING TO CERTIFIED SHORTHAND REPORTERS; AMENDING SECTION 54-3110, IDAHO CODE, TO REVISE MAXIMUM RENEWAL FEES AND TO MAKE A TECHNICAL CORRECTION.

**HOUSE BILL NO. 217**  
**BY JUDICIARY, RULES, AND ADMINISTRATION**  
**COMMITTEE**  
AN ACT

RELATING TO NUISANCES; AMENDING SECTION 52-108, IDAHO CODE, TO CLARIFY THAT ACTS WHICH ARE AUTHORIZED UNDER IDAHO CODE SHALL NOT BE DEEMED PUBLIC OR PRIVATE NUISANCES.

**HOUSE BILL NO. 218**  
**BY JUDICIARY, RULES, AND ADMINISTRATION**  
**COMMITTEE**  
AN ACT

RELATING TO CONFINEMENT UNDER DEATH SENTENCES AND DEATH WARRANTS; REPEALING SECTION 19-2705, IDAHO CODE; AND AMENDING SECTION 19-2706, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE REFERENCE TO DEATH SENTENCES, TO PROVIDE THAT THE WARRANT SHALL BE DIRECTED TO THE DIRECTOR OF THE IDAHO DEPARTMENT OF CORRECTION, TO PROVIDE THAT THE WARDEN OF THE PRISON IN WHICH A PERSON IS INCARCERATED PURSUANT TO A DEATH WARRANT FOR WHICH EXECUTION HAS NOT BEEN STAYED SHALL KEEP THE CONDEMNED PERSON IN SOLITARY CONFINEMENT UNTIL EXECUTION, TO FURTHER DEFINE TERMS, TO PROVIDE FOR CONTACT VISITS BETWEEN CONDEMNED PERSONS AND CERTAIN PERSONS, TO PROVIDE THAT ALL VISITS WITH CONDEMNED PERSONS SHALL TAKE PLACE ONLY IN ACCORDANCE WITH PRISON RULES, TO PROVIDE THAT PRISON OFFICIALS MAY SUSPEND OR DENY VISITS UNDER CERTAIN CONDITIONS, TO PROVIDE THAT THE CONDEMNED PERSON MAY HAVE CONTACT VISITS WITH CERTAIN PERSONS IN THE SEVEN DAYS IMMEDIATELY PRECEDING A SCHEDULED EXECUTION, TO PROVIDE THAT THE WARDEN IS NOT REQUIRED TO HOLD A PERSON IN SOLITARY CONFINEMENT OR OTHERWISE RESTRICT ACCESS TO SUCH PERSON UNTIL THE STAY OF A DEATH WARRANT IS LIFTED OR A NEW DEATH WARRANT IS ISSUED IF THE PERSON HAS BEEN SENTENCED TO DEATH BUT THE DEATH WARRANT HAS BEEN STAYED, TO PROVIDE THAT NO CONDEMNED PERSON SHALL BE HOUSED IN LESS THAN CLOSE CUSTODY CONFINEMENT, AND TO

PROVIDE THAT THE SECTION DOES NOT LIMIT THE WARDEN'S DISCRETION TO HOUSE A CONDEMNED PERSON UNDER MORE RESTRICTIVE CONDITIONS UNDER CERTAIN CIRCUMSTANCES.

**HOUSE BILL NO. 219**  
**BY JUDICIARY, RULES, AND ADMINISTRATION**  
**COMMITTEE**  
 AN ACT

RELATING TO THE DEPARTMENT OF JUVENILE CORRECTIONS; AMENDING SECTION 20-504, IDAHO CODE, TO REMOVE LANGUAGE REQUIRING THE DEPARTMENT TO ESTABLISH CRITERIA AND OPERATING PROCEDURES FOR COUNTY JUVENILE PROBATION SERVICES.

**HOUSE BILL NO. 220**  
**BY JUDICIARY, RULES, AND ADMINISTRATION**  
**COMMITTEE**  
 AN ACT

RELATING TO CRIMINAL PROCEDURE; AMENDING SECTION 19-1601, IDAHO CODE, TO REVISE THE GROUNDS FOR WHICH AN INDICTMENT MAY BE SET ASIDE BY A COURT.

**HOUSE BILL NO. 221**  
**BY JUDICIARY, RULES, AND ADMINISTRATION**  
**COMMITTEE**  
 AN ACT

RELATING TO CRIME; AMENDING CHAPTER 15, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-1509A, IDAHO CODE, TO PROVIDE THAT ADULTS WHO USE THE INTERNET TO ENTICE CHILDREN UNDER THE AGE OF SIXTEEN YEARS TO ENGAGE IN ILLEGAL SEXUAL ACTS SHALL BE GUILTY OF A FELONY, TO PROVIDE A PENALTY, TO LIMIT DEFENSES AND TO PROVIDE FOR JURISDICTION; AND AMENDING SECTION 18-8304, IDAHO CODE, TO APPLY THE PROVISIONS OF THE SEXUAL OFFENDER REGISTRATION NOTIFICATION AND COMMUNITY RIGHT-TO-KNOW ACT TO FELONIES INVOLVING THE ENTICEMENT OF CHILDREN OVER THE INTERNET.

**HOUSE BILL NO. 222**  
**BY STATE AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO MOSQUITO ABATEMENT DISTRICTS; AMENDING SECTION 39-2802, IDAHO CODE, TO REVISE PROCEDURES FOR FORMATION OF MOSQUITO ABATEMENT DISTRICTS; AMENDING SECTION 39-2803, IDAHO CODE, TO PROVIDE FOR EITHER THE APPOINTMENT OF TRUSTEES OR ELECTION OF TRUSTEES OF MOSQUITO ABATEMENT DISTRICTS AND TO PROVIDE PROCEDURES; AMENDING SECTION 39-2804, IDAHO CODE, TO DELETE REFERENCES TO BOARD OF COUNTY COMMISSIONERS, TO DELETE CERTAIN DUTIES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-2805, IDAHO CODE, TO PROVIDE PROCEDURES FOR BUDGETING

AND TAXATION BY THE BOARD OF TRUSTEES OF A MOSQUITO ABATEMENT DISTRICT; AMENDING SECTION 39-2806, IDAHO CODE, TO DELETE THE REQUIREMENT THAT TERRITORY MUST BE CONTIGUOUS TO BE ANNEXED AND TO PROVIDE FOR SIGNING BY ALL MEMBERS OF THE BOARD OF THE MOSQUITO ABATEMENT DISTRICT; AMENDING SECTION 39-2807, IDAHO CODE, TO DELETE THE REQUIREMENT THAT MOSQUITO ABATEMENT DISTRICTS MUST BE CONTIGUOUS TO BE ANNEXED AND TO DELETE REFERENCE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL BE GIVEN WRITTEN NOTICE OF CONSOLIDATION; AMENDING SECTION 39-2810, IDAHO CODE, TO PROVIDE THAT THE BOARD OF A MOSQUITO ABATEMENT DISTRICT SHALL FIX A TIME FOR HEARING ON A PETITION FOR WITHDRAWAL OF PROPERTY FROM A DISTRICT; AMENDING SECTION 39-2811, IDAHO CODE, TO PROVIDE DUTIES OF THE BOARD OF A MOSQUITO ABATEMENT DISTRICT INSTEAD OF THE BOARD OF COUNTY COMMISSIONERS ON A HEARING OF A PETITION FOR WITHDRAWAL AND TO PROVIDE THAT CERTAIN ACQUIRED PROPERTY SHALL REMAIN WITH THE DISTRICT; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 223**  
**BY STATE AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO DISPOSAL OF COUNTY PROPERTY; AMENDING SECTION 31-808, IDAHO CODE, TO PROVIDE CONDITIONS TO GOVERN DISPOSAL BY THE BOARD OF COUNTY COMMISSIONERS OF TITLE TO MINERAL RIGHTS SEVERED FROM PROPERTY.

**HOUSE BILL NO. 224**  
**BY STATE AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO HORSE RACING; AMENDING SECTION 54-2512, IDAHO CODE, TO CLARIFY THAT ADVANCE DEPOSIT WAGERING ON HORSE RACING CONDUCTED BY LICENSEES IS DECLARED TO BE LAWFUL, TO PROVIDE PROCEDURES, TO PROVIDE LIMITS AND TO PROVIDE FOR RULES BY THE RACING COMMISSION; AND DECLARING AN EMERGENCY.

**HOUSE JOINT RESOLUTION NO. 2**  
**BY REVENUE AND TAXATION COMMITTEE**  
 A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE VII OF THE CONSTITUTION OF THE STATE OF IDAHO, BY THE ADDITION OF A NEW SECTION 18, ARTICLE VII, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO A TAXPAYER'S BILL OF RIGHTS TO LIMIT LEGISLATIVE APPROPRIATIONS AND EXPENDITURES IN ANY FISCAL YEAR TO THE APPROPRIATIONS AND EXPENDITURES FROM THE PREVIOUS FISCAL YEAR WITH ALLOWANCE FOR ANNUAL CHANGES IN THE COST OF LIVING AND POPULATION, TO PROVIDE THAT ANY BILL THAT CREATES OR INCREASES A TAX RATE,

REMOVES A TAX EXEMPTION, OR CREATES OR INCREASES A DISCRETIONARY USER CHARGE AFTER RATIFICATION OF THIS SECTION, MUST BE AGREED TO BY TWO-THIRDS OF ALL MEMBERS PRESENT IN EACH OF THE TWO HOUSES OF THE LEGISLATURE AND SIGNED BY THE GOVERNOR, TO CREATE THE EMERGENCY FUND, THE BUDGET STABILIZATION FUND AND THE EXCESS REVENUE FUND, TO PROVIDE FOR DEPOSITS TO THE FUNDS AND WITHDRAWAL OF REVENUES FROM THE FUNDS AND TO PROVIDE THAT THE LEGISLATURE MAY IMPOSE AN EXPENDITURE LIMITATION UPON LOCAL UNITS OF GOVERNMENT IN A MANNER THAT IS CONSISTENT WITH THE PROVISIONS OF SECTION 18, ARTICLE VII, OF THE CONSTITUTION OF THE STATE OF IDAHO; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

**H 208, H 209, H 210, H 211, H 212, H 213, H 214, H 215, H 216, H 217, H 218, H 219, H 220, H 221, H 222, H 223, H 224, and HJR 2** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**S 1035**, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Local Government Committee.

#### First Reading of Engrossed Bills

**H 89**, as amended, **H 111**, as amended, and **H 110**, as amended, by State Affairs Committee, were introduced, read the first time by title and filed for second reading.

**H 9**, as amended, by Mr. Speaker, requested by Bureau of Occupational Licenses, was introduced, read the first time by title and filed for second reading.

#### Second Reading of Bills and Joint Resolutions

**H 138**, by Transportation and Defense Committee, was read the second time by title and filed for third reading.

**H 109**, by Agricultural Affairs Committee, was read the second time by title and filed for third reading.

#### Third Reading of Bills and Joint Resolutions

Mrs. Wood asked unanimous consent that **H 114** be returned to the Transportation and Defense Committee. There being no objection, it was so ordered.

**S 1009** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Trail to open debate.

The question being, "Shall **S 1009** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bedke, Bell, Bieter, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Saylor, Schaefer(Schaefer), Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Mr. Speaker. Total -- 62.

NAYS -- Barrett, Crow, Harwood, McKague, Raybould, Sali, Wood. Total -- 7.

Absent and excused -- Black. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **S 1009** passed the House. Title was approved and the bill was ordered returned to the Senate.

**H 118** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Trail and Mr. Martinez to open debate.

The question being, "Shall **H 118** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bieter, Boe, Campbell, Douglas, Edmunson, Field(23), Henbest, Jaquet, Jones, Langhorst, Martinez, Mitchell, Naccarato, Ring, Ringo, Robison, Saylor, Shepherd, Smith(30), Smith(24), Smylie, Snodgrass, Trail. Total -- 26.

NAYS -- Barrett, Bedke, Bell, Block, Bolz, Bradford, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Eberle, Ellsworth, Eskridge, Field(18), Gagner, Garrett, Harwood, Kellogg, Kulczyk, Lake, Langford, McGeachin, McKague, Meyer, Miller, Moyle, Nielsen, Raybould, Ridinger, Roberts, Rydalch, Sali, Schaefer(Schaefer), Shirley, Skippen, Stevenson, Tilman, Wills, Wood, Mr. Speaker. Total -- 43.

Absent and excused -- Black. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 118** failed to pass the House and ordered the bill filed in the Office of the Chief Clerk.

**H 106** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Field(23) to open debate.

The question being, "Shall **H 106** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Block, Boe, Bolz, Campbell, Cannon, Collins, Cuddy, Deal, Douglas, Edmunson, Field(18), Field(23), Gagner, Henbest, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez, Meyer, Miller, Mitchell, Naccarato, Nielsen, Raybould, Ridinger, Ring, Roberts, Robison, Rydalch, Saylor, Schaefer(Schaefer), Shepherd, Shirley, Skippen, Smith(30), Smylie, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 52.

NAYS -- Bradford, Clark, Crow, Denney, Eberle, Ellsworth, Eskridge, Garrett, Harwood, Kulczyk, McGeachin, McKague, Moyle, Ringo, Sali, Smith(24), Snodgrass. Total -- 17.

Absent and excused -- Black. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 106** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney asked unanimous consent that **H 10** retain its place on the Third Reading Calendar until Friday, February 14, 2003. There being no objection, it was so ordered.

Mr. Denney asked unanimous consent that **H 11** retain its place on the Third Reading Calendar until Wednesday, February 12, 2003. There being no objection, it was so ordered.

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day.

There being no objection, the House advanced to the Sixteenth Order of Business.

### **Adjournment**

Mr. Denney moved that the House adjourn until 11 a.m., Tuesday, February 11, 2003. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:13 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk